



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 6, 1995

CERTIFIED RETURN RECEIPT
P 074 978 968

William and Preston Bown
842 West 400 North
Bountiful Utah 84087

Dear Messrs Bown:

Re: Notice of Non-Compliance, Grouse Creek Quarry, M/003/031, Box Elder County, Utah

This letter is sent to notify you that your mining operation, or portions thereof, is not in compliance with certain sections of the Utah Mined Land Reclamation Act 40-8-1 et seq and the Minerals Reclamation Program Rules R647-1 through R647-5.

Finding of Non-Compliance

Specifically, you have failed to file a Notice of Intention to Commence *Large Mining Operations*, as required by the Utah Mined Land Reclamation Act, Title 40-8-13(1)(a), and Section R647-3-101.1 of the Minerals Rules.

An inspection was conducted pursuant to Utah Code Annotated 40-8-1 et seq, at the Grouse Creek Quarry on July 6, 1995, by Lynn Kunzler of this Division and Dan Washington of the BLM. During inspection of the site, evidence of recent mining activity was observed. Following this inspection, you met with Lynn Kunzler and Dan Washington on July 20, 1995 in the Division offices. At that time, maps were reviewed and a consensus was reached as to what portions of the disturbance in the Grouse Creek Quarry area you were responsible for. This included 11.53 acres of current disturbance (2.8 acres which you committed to reclaim by October 31, 1995) and 2.55 acres of new proposed road disturbance. You were given forms to properly file as a Large Mining Operation and agreed to file a Notice of Intent to Commence *Large Mining Operations* (FORM MR-LMO) by September 5, 1995. A copy of the meeting notes, a map and acreage calculations was sent to you on August 1, 1995. The Division has

Page 2

William & Preston Bown

M/003/031

November 6, 1995

not received the Large Mining Notice or any contact requesting an extension. Also, the plan submitted to the BLM (signed February 15, 1995) was found to be deficient by both the BLM (letter dated February 17, 1995) and this Division (letter dated February 21, 1995). Our respective reviews indicated this mine site would need to be permitted as a *large* mining operation. A 30-day time frame was established to submit the requested information. To date, we have not received any correspondence or the large mining notice of intention for this mine site.

Location of Non-Compliance

The specific location of the non-compliance is in portions of Sections 2, 3, 4, 10, and 11, Township 12 North, Range 17 West; and Sections 35 and 35, Township 13 North, Range 17 West, SLBM, Box Elder County, Utah.

Mitigation Requirements

You are hereby directed to commence immediate reclamation of the mine site to reduce your surface disturbance to five (5) acres or less. The alternative is to file a complete Large Mining Operation Notice of Intention (FORM MR-LMO) with this office. Reclamation work (backfilling/regrading/recontouring and reseeding) must be completed no later than November 20, 1995, unless you choose to permit the site as a Large Mining Operation. We request that you contact this Division immediately concerning development of a reclamation plan for the site.

If you do not wish to reclaim the excess acreage at this site, then you must file a complete and technically adequate Notice of Intention to Commence Large Mining Operations with our office no later than November 27, 1995. You are reminded that conducting a large mining operation (> 5 acres if surface disturbance) requires an operator to post an appropriately calculated reclamation surety for the mine site. Therefore, in order to continue mining operations at this site (during the time period that it takes to process and approve a large mining operations permit application), the Division will require you to post an *interim reclamation surety* in the amount of \$25,000. This amount is a conservative estimate of the projected costs for the Division to reclaim the site in its present condition (@10 acres X \$2500/acre). This reclamation surety amount will be adjusted accordingly upon final approval of your large mining permit application.

Continued mining activity on this site should be suspended until the Division confirms that sufficient reclamation has been performed to qualify for a Small Mining Operation status, or the Large Mining Notice of Intent is determined complete and technically adequate.

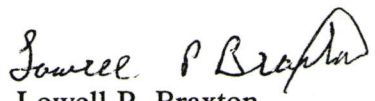
Page 3
William & Preston Bown
M/003/031
November 6, 1995

Consequences of Continued Non-Compliance

Should you fail to comply with these requirements within the time frames set forth in this Non-Compliance Notice, we will be forced to issue a Notice of Agency Action. A formal Notice of Agency Action will require that you appear before the Board of Oil, Gas and Mining (Board). The Board, after notice and public hearing, may enter an Order finding you in direct violation of the Act and its interpretive rules. Appropriate enforcement actions, as provided for under the Act and Utah law, may be levied against you. A finding of willful or knowing violation (section 408-9(1) of the Act) could result in civil penalties being assessed not to exceed \$10,000 dollars a day for each violation.

If you need additional permit application forms, or have questions regarding this action, please contact me, Wayne Hedberg, or Lynn Kunzler of the Minerals Reclamation Program at your earliest convenience.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jb
Enclosure

cc: John Blake, SITLA
Gordon Struthers, USFS, Burley RD
Dan Washington, BLM, Bear River R.A.
Lowell Braxton, DOGM
Tom Mitchell, Assistant Attorney General
Lynn Kunzler, DOGM

M003031.ncl